

DLM

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

2012 AUG 24 EFS-26
U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

KEVIN CRADDY,)
)
Plaintiff)
v.) C.A. No. 12 _____
)
FAIRFIELD RESIDENTIAL COMPANY,)
LLC,)
)
Defendant.)

CA 12- 609ML

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441 and 1446,
Defendant, Fairfield Residential Company, LLC (“Defendant”), by its attorneys, Nixon Peabody
LLP, hereby removes the above-captioned action to the United States District Court for the
District of Rhode Island, and respectfully state as follows:

1. This action is removable pursuant to 28 U.S.C. §§ 1332 and 1441(a) and (b), on
the ground that this Court has original diversity jurisdiction, and the amount in controversy
exceeds \$75,000.00.

2. The action entitled *Kevin Craddy vs. Fairfield Residential Company, LLC*, C.A.
No. PC 12-2962, was filed in the Superior Court of Rhode Island, Providence County (the “State
Court”) on or about June 8, 2012. Service of the Complaint was perfected by counsel for
Defendant’s filing of a Stipulation Accepting Service of said Complaint on or about July 25,
2012.

3. Pursuant to 28 U.S.C. § 1446(a), Defendant attaches hereto as Exhibit A, the
Complaint, the Signed Stipulation Accepting Service, and a Stipulation for Extension of Time.

These documents (collectively the "Pleadings") constitute all "process, pleadings and orders" served upon Defendant in this action to date.

4. Upon information and belief, at the time of commencement of this action, Plaintiff, Kevin Craddy was a citizen of the State of Rhode Island.
5. At the time of commencement of this action, Defendant Fairfield Residential Company LLC was a limited liability company organized under the laws of the State of Delaware, with a principle place of business in California and therefore is a citizen of the States of Delaware and California for purposes of 28 U.S.C. § 1332.
6. The Complaint alleges, inter alia, that Defendant violated Section 28-5-1 *et seq.*, Section 42-112-1 *et seq.* and Section 42-87-1 *et seq.* of the Rhode Island General Laws. Plaintiff has demanded a judgment of monetary damages, punitive damages, costs, and attorneys' fees against Defendant. It is Defendant's information and belief that the amount in controversy exceeds \$75,000.00.
7. This Notice of Removal is being filed within thirty (30) days after service of the Complaint, and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).
8. This Court has original diversity jurisdiction of this action, and the action is therefore removable pursuant to 28 U.S.C. § 1441.
9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be served promptly upon Plaintiff and, together with a copy of the Notice of Removal will be filed with the Clerk of the Superior Court of Rhode Island, Providence County.
10. Defendant expressly reserves any and all defenses which may be available to it in this action.

11. In accordance with Local Rule 81(b), Defendant will file with this Court certified or attested copies of all records, proceedings and docket entries in the State Court action within fourteen (14) days of the filing of this Notice of Removal.

WHEREFORE, Defendant respectfully submits that this Notice of Removal complies with the statutory removal requirements and respectfully requests that the action now proceeding against it, entitled *Kevin Craddy vs. Fairfield Residential Company, LLC*, C.A. No. PC 12-2962, be removed from the Superior Court of the State of Rhode Island, Providence County, that this action proceed in this Court as a properly removed action and that the Defendant has such other and further relief as this Court may deem just and proper.

Dated: August 24, 2012

Defendant,

FAIRFIELD RESIDENTIAL COMPANY,
LLC

By its Attorneys,

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Dated: August 24, 2012

CERTIFICATION

The undersigned hereby certifies that a true copy of the within Notice of Removal was served by first class mail, postage pre-paid, this 24th day of August, 2012 to:

Carly Beauvais Iafrate
129 Dyer Street
Providence, RI 02903

Marilyn Iafrate